

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE



In re: ) AWA Docket No. 13-0266  
)  
Hawaiian Airlines, Inc., )  
)  
Respondent. ) Complaint

There is reason to believe that the respondent named herein has violated the Animal Welfare Act, as amended (7 U.S.C. §§ 2131-2159), hereinafter referred to as the Act, and the regulations (9 C.F.R. §§ 1.1-4.11) issued pursuant to the Act, and, therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this complaint alleging the following:

I

A. Hawaiian Airlines, Inc., hereinafter referred to as respondent, is a corporation whose mailing address is P.O. Box 30008, 2275 Koapake Street, Suite 350, Honolulu, Hawaii 96819, and respondent's registered agent for service is Janette N. Freeman whose mailing address is 3375 Koapake Street, Suite 350, Honolulu, Hawaii 96819.

B. The respondent, at all times material herein, was registered and operating as a class T carrier, Certificate #95-T-0001, as defined in the Act and the regulations.

C. When the respondent became registered and annually thereafter, it received a copy of the Act and the regulations and standards issued thereunder and agreed in writing to comply with them.

## II

On July 14, 2009, APHIS found the following violation of section 2.100(b) of the regulations (9 C.F.R. § 2.100(b)) and the standard specified below:

1. The respondent transported or delivered for transport in commerce a cat in a primary enclosure that was not constructed so that it was strong enough to contain the cat securely and comfortably, and to withstand the normal rigors of transportation, resulting in the escape and injury of the cat (9 C.F.R. § 3.14(a)(1)).

## III

On July 17, 2010, APHIS found the following violation of section 2.100(b) of the regulations (9 C.F.R. § 2.100(b)) and the standards specified below:

1. The respondent transported or delivered for transport in commerce a dog in a primary enclosure that failed to provide adequate ventilation, contributing to the death of an English bulldog (9 C.F.R. § 3.14(c)).

2. The respondent transported or delivered for transport in commerce a dog in a primary enclosure that was not large enough to ensure that a dog contained in the primary enclosure had enough space to turn about normally while standing, to stand and sit erect, and to lie in a natural position, contributing to the death of an English bulldog (9 C.F.R. § 3.14(e)(1)).

3. Respondent transported a dog that was obviously ill, injured, or in physical distress, contributing to the death of an English bulldog (9 C.F.R. § 3.17(c)).

## IV

On September 23, 2011, respondent failed to handle a dog as expeditiously and carefully as possible in a manner that did not cause trauma, overheating, excessive cooling, behavioral

stress, physical harm, and unnecessary discomfort, when an employee allowed a dog to escape its damaged enclosure at the Honolulu International Airport resulting in injuries to the dog's paws from running on the hot asphalt of the tarmac (9 C.F.R. § 2.131(b)(1)).

V

On September 30, 2011, respondent failed to take appropriate measures to alleviate the impact of high temperatures that threatened a dog's well-being, resulting in the dog's death (9 C.F.R. § 2.131(e)).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact violated the Act and the regulations issued under the Act, this complaint shall be served upon the respondent. The respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. §§ 1.130-162.13). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

APHIS requests:

1. That unless the respondent fails to file an answer within the time allowed therefor, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and

2. That such order or orders be issued as are authorized by the Act and warranted under the circumstances, including an order:

(a) Requiring the respondent to cease and desist from violating the Act and the regulations and standards issued thereunder; and

(b) Assessing civil penalties against the respondent in accordance with section 19 of the Act (7 U.S.C. § 2149).

Done at Washington, D.C.

this 13<sup>th</sup> day of June, 2013



*Acting* Administrator  
Animal and Plant Health Inspection Service

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